



Docket No. 38-21(53535)B

**PATENT**

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

- (A) This declaration is for an original application.
- (B) My residence, post office address and citizenship are as stated below, next to my name.
- (C) I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

### NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH PLANTS AND USES THEREOF FOR PLANT IMPROVEMENT

the specification of which is filed herewith unless the following box is checked:

was filed on 01/29/2004 ,  
as United States Application Number 10/767,701  
identified by attorney docket number 38-21(53535)B, and  
was amended on (if applicable).

- (D) I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.
- (E) I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.
- (F) I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

| Application No. | Country | Filing Date | Priority Claimed |
|-----------------|---------|-------------|------------------|
|-----------------|---------|-------------|------------------|

(G) I hereby claim the benefit under 35 U.S.C. § 119(e) of the following United States provisional applications:

(H) I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

|                   |               |          |
|-------------------|---------------|----------|
| 09/684,016        | 10/10/2000    | Pending  |
| (Application No.) | (Filing Date) | (Status) |

|                   |               |          |
|-------------------|---------------|----------|
| 09/850,147        | 05/07/2001    | Pending  |
| (Application No.) | (Filing Date) | (Status) |

(I) I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

|                        |                 |                       |                 |
|------------------------|-----------------|-----------------------|-----------------|
| Lawrence M. Lavin, Jr. | Reg. No. 30,768 |                       |                 |
| Thomas E. Kelley       | Reg. No. 29,938 | James W. Collett      | Reg. No. 46,636 |
| Donna E. Scherer       | Reg. No. 34,719 | David R. Marsh        | Reg. No. 41,408 |
| Bradley S. Kurtz       | Reg. No. 53,165 | Joel M. Freed         | Reg. No. 25,101 |
| Dennis R. Hoerner, Jr. | Reg. No. 30,914 | Leslie L. Jacobs, Jr. | Reg. No. 40,659 |
| Grace L. Bonner        | Reg. No. 32,963 | Molly A. Holman Ph.D. | Reg. No. 40,022 |
| Gary M. Bond           | Reg. No. 29,283 | Joanna Moore          | Reg. No. 44,950 |
| Pamela J. Sisson       | Reg. No. 53,600 | Felissa H. Cagan      | Reg. No. 35,089 |
| F. Nikki Davis         | Reg. No. 48,371 | Lisa A. Penoyer       | Reg. No. 51,204 |
| Thomas P. McBride      | Reg. No. 32,706 | William Sekyi         | Reg. No. 45,831 |
| Joseph W. Ricigliano   | Reg. No. 48,511 | Holly L. Prutz        | Reg. No. 47,755 |
| Milan M. Vinnola       | Reg. No. 45,979 | Susan T. Evans        | Reg. No. 38,443 |
| Michael J. Rafa        | Reg. No. 38,740 | Lois Ruzsala          | Reg. No. 39,074 |
| Guy V. Tucker          | Reg. No. 45,302 | Thomas E. Omholt      | Reg. No. 37,052 |
| Donald J. Silvert      | Reg. No. 37,552 | Dawn M. Gardner       | Reg. No. 44,118 |
| Danielle Edwards       | Reg. No. 51,645 | Thomas Holsten        | Reg. No. 46,098 |
| Kristan L. Lansbery    | Reg. No. 53,183 | Rachel Adams          | Reg. No. 54,660 |

SEND ALL CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

Gail P. Wuellner  
Patent Department, E2NA; Monsanto Company  
800 N. Lindbergh Boulevard  
St. Louis, Missouri 63167

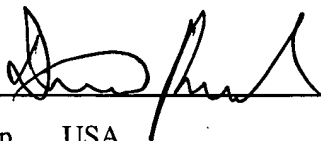
(314) 694-4257

(J) **DECLARATION:** I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE

David K. Kovalic

Inventor's signature



Date:

5/10/2004

Country of Citizenship USA

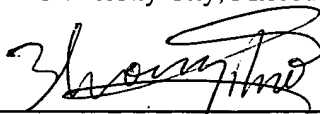
Residence University City, Missouri USA

Post Office Address 7300 Cornell Avenue

University City, Missouri 63130

Yihua Zhou

Inventor's signature



Date:

5-10-2004

Country of Citizenship USA

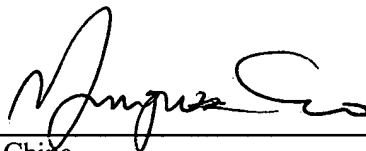
Residence Ballwin, Missouri USA

Post Office Address 1016 Westrun Drive

Ballwin, Missouri. 63021

Yongwei Cao

Inventor's signature



Date:

5/10/2004

Country of Citizenship

China

Residence Chesterfield, Mo. USA

Post Office Address 16796 Baxter Pointe Ct.

Chesterfield, Missouri 63005